

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV 08-05369 CAS (FFMx)	Date	March 13, 2009
Title	Cindy M. Szegedy v. Keystone Food Products, Inc., et al.		

Present: The Honorable	CHRISTINA A. SNYDER		
CATHERINE JEANG	Not Present		None
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Not Present		Not Present	

Proceedings: (In Chambers:) **MOTION TO WITHDRAW AS COUNSEL**
(filed 2/13/2009)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of March 23, 2009, is hereby vacated, and the matter is hereby taken under submission.

On February 13, 2009, Cozen O'Connor, attorney for defendants Keystone Food Products, Inc. ("Keystone") and Robert's American Gourmet Food, Inc. ("Robert's") filed the instant motion to withdraw as counsel. No opposition was filed.

Cozen O'Connor argues that the parties in the instant action have been attempting to settle this matter along with related class actions pending in other jurisdictions. Cozen O'Connor argues that these negotiations have been spearheaded by Robert's General Counsel, Andrew Cooper ("Cooper"), and that defendants have failed to communicate with Cozen O'Connor regarding the settlement negotiations between Cooper and plaintiffs.

Furthermore, Cozen O'Connor argues that, to date, it has performed a significant amount of work and has incurred substantial expenses in this action and related actions, and that it has billed defendants for legal fees and expenses, but that defendants have failed to meet their financial obligations. Cozen O'Connor argues that in November, 2008, it informed defendants that it would withdraw as counsel if defendants did not meet their financial obligations, to no avail.

Local Rule 83-2.9.2.1 allows an attorney to withdraw as counsel only upon leave

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of court. If withdrawal will cause delay in the case, the court will not allow the attorney to withdraw unless “good cause is shown and the ends of justice require [such relief].” L. R. 83-2.9.2.4. If withdrawal is allowed, the affected parties then “shall appear *pro se* or appoint another attorney by a written substitution of attorney.” L.R. 83-2.9.2.3. However, corporations “may not appear in any action or proceeding *pro se*.” L. R. 83-2.10.1.

The Court concludes that Cozen O’Connor has made a sufficient showing of good cause, and thus hereby GRANTS Cozen O’Connor’s motion to be relieved as counsel. Cozen O’Connor is hereby ordered to provide defendants with notice of the Court’s order in accordance with Local Rule 83-2.9.2.3. Since defendants are corporations, and as such may not appear *pro se*, Cozen O’Connor is ordered to inform defendants that they must retain new counsel within thirty (30) days of the date this order takes effect. Cozen O’Connor shall advise defendants that their failure to retain new counsel or otherwise respond within thirty (30) days may result in the imposition of sanctions or the entry of default. Cozen O’Connor shall attach a copy of this order to the letter, and shall otherwise comply with all applicable rules of professional responsibility.

IT IS SO ORDERED.

Initials of Preparer

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CMJ		